

Further, Applicant notes that the Examiner has inadvertently failed to return any of the PTO-1449 forms that were submitted with the numerous Information Disclosure Statements that were submitted in this application. Specifically, Information Disclosure Statements were submitted on June 30, 1999; October 14, 1999; February 2, 2000; April 7, 2000; July 27, 2000; November 2, 2000; and, September 10, 2001. In addition, another Information Disclosure Statement was filed in this application on December 10, 2001. The Examiner is respectfully requested to indicate his consideration of the various documents that were submitted by returning completed copies of the PTO-1449 forms with the next official communication.

With respect to the restriction requirement, Applicants respectfully traverse the Examiner's restriction requirement.

The standard by which the Office guides Examiners in requiring restriction under 35 U.S.C. 121 is set forth in M.P.E.P. Chapter 800. In Section 803 it is stated that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully submits that there would not appear to be a "serious burden" in examining claims directed to each of the inventions identified by the Examiner, as it would appear that the search for the various inventions identified by the Examiner would be coextensive. Specifically, if the Examiner were to perform a search for elected invention I (apparatus and method for establishing a communication link), it would not

appear to be a serious burden to continue the examination of the remaining inventions (handshaking, assessing characteristics of a communication link, and selecting a carrier reduction system), which are associated with establishing a communication link.

Therefore, due to an apparent lack of a serious burden, as recognized in M.P.E.P. §803 as being a prerequisite to a proper restriction requirement, and due to the fact that the Office action fails to even address the issue of a serious burden, Applicant respectfully requests that the restriction requirement be withdrawn.

Furthermore, should the Examiner maintain the restriction requirement, he is respectfully requested to modify the restriction to eliminate the species selection requirement with respect to Invention I, so that the three non-elected species (e.g., claims 31-38) are examined along with elected species I (e.g., claims 1-10).

Applicant notes that all three non-elected species are classified in Class 375, subclass 222, which is the same class and subclass as the elected species (e.g., claims 1-10). Thus, no separate or additional search is required to examine the non-elected species (e.g., claims 31-38) when examining the elected species (e.g., claims 1-10). Additionally, Applicant notes that claims 1-10 are directed to an apparatus, while claims 31-38 define the method. As noted above, M.P.E.P. §803 specifies that when the search and examination can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. As the claims are related and are all classified in the same class and subclass, Applicant submits that an examination of all species (e.g., claims 1-10 and 31-38) is appropriate, and such

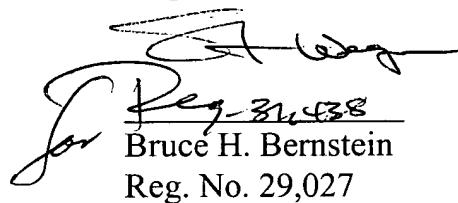
action is respectfully requested.

Lastly, Applicant notes that the Examiner inadvertently indicates that claims 1-10 and 31-38 are directed to a method for establishing a communication link, when, in fact, claims 1-10 are directed to an apparatus for establishing a communication link, and claims 31-38 are directed to the method.

In view of the above, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn, and all the claims be examined.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,  
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